

REMARKS/ARGUMENTS

This Amendment is being filed concurrently with a Request for Continued Examination (RCE). With this Amendment, Applicant amends claims 33 and 127. No new matter is added. Claims 1-45, 48-56 and 60-145 are currently pending in the application. However, claims 1-32 and 59-124 are withdrawn from consideration. Based on the foregoing amendments and the following remarks, Applicant respectfully requests reconsideration of the application and allowance of all the claims.

I. Rejection of Claims 33-45, 48-56, 127-128, 131-133 & 136-145 Under 35 U.S.C. § 103(a)

Claims 33-45, 48-56, 127-128, 131-133 and 136-145 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Westbury et al. (U.S. Patent No. 6,873,963; hereinafter “Westbury”), Savino et al. (U.S. Patent No. 6,015,167; hereinafter “Savino”), Swan et al. (U.S. Patent No. 6,901,304; hereinafter “Swan”) and Boucher et al. (U.S. Patent Appln. Publn. No. 2003/0097306; hereinafter “Boucher”).

In contrast to amended independent claim 33, Westbury, Savino, Swan and Boucher, taken individually or in combination, do not teach or suggest and are altogether silent regarding a system comprising, *inter alia*: (A) a sender computer system comprising a processor configured to *transmit object identification data identifying one or more objects*, the objects defined by a sender to *identify one or more products or other contents of at least one package*; and (B) a carrier computer system comprising a processor configured to *provide data, to at least one device or recipient, identifying the objects, a location of the objects and a status of the objects being transported in the at least one package as the objects pass through one or more portals and are scanned by scanning devices of the portals within a transport network of the carrier, wherein identifying the objects and the status of the objects is determined based in part on the stored object identification data linked directly with the package identification data*.

In rejecting claim 33, the Examiner relies on “column 1, under ‘SUMMARY’” and column 14 of Swan, alone or in combination with Westbury, Savino and Boucher, as allegedly disclosing features of claim 33. (See pg. 6 of the Final Office Action & pg. 2 of the Advisory Actoin) Applicant respectfully disagrees.

In contrast to amended claim 33, the cited portion and indeed all of Swan, alone or in combination with Westbury, Savino and Boucher, at most, discloses that “[t]ags bound to items are read and information read from the tags and location information about the tags provided by at least two enterprises are used to maintain disposition information about the items.” (Col. 1, lines 38-42 of Swan) Additionally, Swan, alone or in combination with Westbury, Savino and Boucher, at most discloses that information read from a tag bound to an item corresponds to a unique tag identifier. (Col. 1, lines 61-63 of Swan) Claim 33, as amended, recites, *inter alia*, a processor configured to provide data, to at least one device or recipient, identifying the objects defined by a sender to identify one or more products or other contents of at least one package, as the objects pass through one or more portals and are scanned by scanning devices of the portals within a transport network of the carrier in which the identifying of the objects and the status of the objects is determined based in part on stored object identification data that is linked directly with the package identification data by a processor of a carrier computer system.

Swan, alone or in combination with Westbury, Savino and Boucher, does not teach or suggest at least this feature of amended claim 33. Rather, Swan, alone or in combination with Westbury, Savino and Boucher, at most discloses that the information read from the tags are used to maintain disposition information about the items and that “information read” from a tag bound to an item corresponds to “a unique tag identifier”. (Col. 1, lines 62-63 of Swan)

In view of the foregoing, and in contrast to claim 33, Swan, alone or in combination with Westbury, Savino and Boucher, at most discloses that a unique tag identifier is read from a tag bound to an item. (See Col. 1, lines 61-67 of Swan) However, nowhere in Swan, alone or in combination with Westbury, Savino and Boucher, is there any mention, teaching or suggestion relating to a carrier computer system comprising a processor configured to provide any data, to at least one device or recipient, identifying the objects and a status of the objects being transported in the package as the objects pass through a portal of a transport network of a carrier in which identifying the objects, that are *defined by a sender to identify one or more products or other contents of at least one package*, and the status of the objects *is determined based* in part on the stored object identification data linked directly with the package identification data, as recited by claim 33.

Rather, Swan, alone or in combination with Westbury, Savino and Boucher, at most discloses providing visibility to enterprises in a supply chain based on information read from the tags therein. However, Swan, alone or in combination with Westbury, Savino and Boucher, does not teach or suggest identifying any objects and a status of the objects being transported in a package as the objects pass through a portal of a transport network of a carrier being determined based in part on stored object identification data that is linked directly with package identifier data by a processor of a carrier computer system, as recited by claim 33. The combination of Westbury, Savino, Swan and Boucher is deficient for at least these reasons.

Moreover, even assuming *arguendo* that Savino, alone or in combination with, Westbury, Swan and Boucher, discloses “bar code links in ... database 14 ... [and] predetermined relevant purchase and shipping information ... associated with a purchase order”¹, (alleged storage of object identification data in association with linked package identification data) as alleged by the Examiner, the combination still does not teach or suggest utilizing any stored object identification data linked directly with package identification data to determine the identity of objects that are defined by a sender and the status of objects being transported in a package as the objects pass through at least one portal of a transport network of a carrier, as recited by claim 33.

Nowhere, in the combination is there any mention, teaching or suggestion relating to identifying objects defined by a sender and the status of objects in a package as they pass through a portal of a transport network of a carrier that is determined based on the storage of “bar code links in ... database 14 ... [and] predetermined relevant purchase and shipping information ... associated with a purchase order (alleged storage of object identification data in association with linked package identification data), as would be required by the recitations of claim 33. Rather, the combination at most discloses reading a unique tag identifier from a tag to provide visibility to enterprises. (Col. 1, lines 60-67 of Swan) The combination of Westbury, Savino, Swan and Boucher is deficient for at least this additional reason.

Based at least on the foregoing reasons, Applicant submits that the combination of Westbury, Savino, Swan and Boucher is deficient and does not teach or suggest all of the features of claim 33 and its dependent claims 34-45, 48-56, 136, 138, 140, 142 and 144.

¹ See pg. 5 of the Final Office Action.

Since claim 127 contains features that are in some respects analogous to the features recited in independent claim 33, Applicant submits that independent claim 127 and its dependent claims 128, 131-133, 137, 139, 141, 143 and 145 are patentable at least for reasons analogous to those submitted for claim 33.

II. Rejection of Claims 125, 126, 129, 130, 134 & 135 Under 35 U.S.C. § 103(a)

Claims 125, 126, 129, 130, 134 and 135 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Westbury, Savino, Swan, Boucher and Bengston (U.S. Patent Appln. Publn. No. 2002/0049781; hereinafter "Bengston"). Applicant respectfully traverses this rejection for at least the following reasons.

As discussed above, Westbury, Savino, Swan and Boucher, taken individually or in combination, are deficient vis-à-vis independent claims 33 and 127 and Bengston does not make up for the deficiencies of Westbury, Savino, Swan and Boucher and is not cited for such. Accordingly, Applicant submits that dependent claims 125, 126, 129, 130, 134 and 135 are patentable at least by virtue of their respective dependencies from claims 33 and 127. Applicant therefore respectfully requests the Examiner to reconsider and withdraw the § 103(a) rejection of dependent claims 125, 126, 129, 130, 134 and 135.

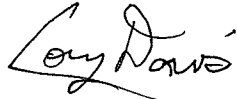
III. Conclusion

In view of the foregoing remarks, Applicant respectfully submits that all of the claims of the present application are in condition for allowance. It is respectfully requested that a Notice of Allowance be issued in due course. Examiner Zare is encouraged to contact Applicant's undersigned attorney to resolve any remaining issues in order to expedite examination of the present application.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Appl. No.: 10/616,770
Amdt. dated January 24, 2011
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Respectfully submitted,

A handwritten signature in black ink, appearing to read "Cory Davis", with a stylized flourish at the end.

Cory C. Davis
Registration No. 59,932

Customer No. 00826
ALSTON & BIRD LLP
Bank of America Plaza
101 South Tryon Street, Suite 4000
Charlotte, NC 28280-4000
Tel Atlanta Office (404) 881-7000
Fax Atlanta Office (404) 881-7777

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